



CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed June 17, 2022

  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>

Reorganized Debtor.

)  
) Chapter 11  
)  
) Case No. 19-34054-sgj11  
)  
)  
)  
)

**ORDER APPROVING AMENDED STIPULATION AND PROPOSED SCHEDULING ORDER  
CONCERNING PROOF OF CLAIM NO. 146 FILED BY HCRE PARTNERS, LLC**

Having considered the *Amended Stipulation and Proposed Scheduling Order Concerning Proof of Claim No. 146 Filed by HCRE Partners, LLC* [Dkt. No. 3356] (the “Amended Stipulation”),<sup>2</sup> a copy of which is attached hereto as **Exhibit A**, filed by Highland Capital Management, L.P. (“Highland” or the “Debtor”) and NexPoint Real Estate Partners, LLC f/k/a HCRE Partners, LLC (“HCREP”, and together with Highland, the “Parties”), **IT IS HEREBY**

<sup>1</sup> The Reorganized Debtor’s last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

<sup>2</sup> Capitalized terms not otherwise defined herein have the meanings ascribed to them in the Amended Stipulation.

**ORDERED THAT:**

1. The Amended Stipulation is **APPROVED**.
2. The Amended Stipulation shall become effective immediately upon entry of this Order.
3. The following pre-trial schedule (the “Pre-Trial Schedule”), agreed to by the Parties, shall govern with respect to Highland’s Claim Objection to Claim No. 146 of HCREP:

| <i><b>Pre-Trial Schedule</b></i>                         |  |
|--|--|
| <u>Event</u>   | <u>Deadline</u>  |
| 1. Service of Written Discovery Requests                 | May 27, 2022   |
| 2. Service of Written Responses to Discovery Requests    | June 27, 2022  |
| 3. Substantial Completion of Document Production         | July 1, 2022   |
| 4. Completion of Fact Discovery                          | August 1, 2022   |
| 5. Expert Disclosure under Rule 7026                     | August 5, 2022   |
| 6. Completion of Expert Discovery                        | August 19, 2022  |
| 7. Deadline for filing Dispositive Motions               | September 2, 2022  |
| 8. Parties to exchange Witness and Exhibit Lists         | October 25, 2022   |
| 9. Parties exchange objections to any witness or exhibit | October 28, 2022   |
| 10. Evidentiary Hearing                                  | November 1, 2022 at 9:30 a.m. (CST), continuing to November 2, 2022 as necessary |

4. The Pre-Trial Schedule set forth in paragraph 3 of this Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.
5. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of the Amended Stipulation and this Order.

###End of Order###

**EXHIBIT A**

PACHULSKI STANG ZIEHL & JONES LLP

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*Counsel for Highland Capital Management, L.P.*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

|   |   |                         |
|---|---|-------------------------|
| _____   | ) |                         |
| In re:  | ) | Chapter 11              |
|   | ) |                         |
| HIGHLAND CAPITAL MANAGEMENT, L.P., <sup>1</sup> | ) | Case No. 19-34054-sgj11 |
|   | ) |                         |
| Reorganized Debtor.                             | ) |                         |
| _____   | ) |                         |

**AMENDED STIPULATION AND PROPOSED SCHEDULING ORDER CONCERNING  
PROOF OF CLAIM NO. 146 FILED BY HCRE PARTNERS, LLC**

This amended stipulation (the “Stipulation”) is made and entered into by and between Highland Capital Management, L.P., the reorganized debtor in the above-referenced bankruptcy case (“Highland” or the “Debtor”), and NexPoint Real Estate Partners, LLC f/k/a HCRE Partners, LLC (“HCREP”, and together with Highland, the “Parties”), by and through their respective

<sup>1</sup> The Reorganized Debtor’s last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

undersigned counsel.

### **RECITALS**

WHEREAS, on October 16, 2019 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the Bankruptcy Court for the District of Delaware, Case No. 19-12239 (CSS) (the “Delaware Court”);

WHEREAS, on December 4, 2019, the Delaware Court entered an order transferring venue of the Debtor’s bankruptcy case (the “Bankruptcy Case”) to this Court [Docket No. 186];

WHEREAS, on March 2, 2020, the Court entered its *Order (I) Establishing Bar Dates for Filing Claims and (II) Approving the Form and Manner of Notice Thereof* [Docket No. 488] (the “Bar Date Order”),<sup>2</sup> which, among other things, established April 8, 2020 at 5:00 p.m. Central Time (the “General Bar Date”) as the deadline for all entities holding claims against the Debtor that arose before the Petition Date to file proofs of claim;

WHEREAS, on April 8, 2020, HCRE filed an unliquidated general unsecured proof of claim which was denoted by the Debtor’s claims agent as claim number 146 (“Claim No. 146”);

WHEREAS, on July 30, 2020, the Debtor filed its *First Omnibus Objection to Certain (A) Duplicate Claims; (B) Overstated Claims; (C) Late-Filed Claims; (D) Satisfied Claims; (E) No-Liability Claims; and (F) Insufficient-Documentation Claims* [Docket No. 906] (the “Claims Objection”);

WHEREAS, as part of the Claims Objection, the Debtor objected to Claim No. 146 on the ground that it contended it had no liability;

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<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed to them in the Bar Date Order.

WHEREAS, on October 19, 2020, HCRE filed its response to the Claims Objection [Docket No. 1212] (the “Response”);

WHEREAS, on December 10, 2020, the parties entered into a *Stipulation and Proposed Scheduling Order Concerning Proof of Claim No. 146 Filed by HCRE Partners, LLC* [Docket No. 1536] (the “Original Stipulation”);

WHEREAS, on December 11, 2020, the Court entered an Order approving the Original Stipulation [Docket No. 1568];

WHEREAS, on April 14, 2021, the Debtor filed its *Motion to Disqualify Wick Phillips Gould & Martin LLP as Counsel to HCRE Partners, LCC and for Related Relief* [Docket No. 2196], as later supplemented [Docket No. 2893] (the “Disqualification Motion”);

WHEREAS, following discovery, briefing, and a hearing, on December 20, 2021, the Court entered an Order granting in part, and denying in part, the Disqualification Motion [Docket No. 3106] (the “Disqualification Order”);

WHEREAS, following the entry of the Disqualification Order, the law firm of Hoge & Gameros, L.L.P. filed a notice of appearance on behalf of HCRE Partners, LLC

WHEREAS, the Parties have conferred and desire to amend the Original Stipulation as specifically set forth below.

NOW, THEREFORE, it is hereby stipulated and agreed, and upon approval of this Stipulation by the Court, it shall be SO ORDERED:

1. The Parties agree to the following schedule (the “Proposed Joint Scheduling Order”):

| <i><b>Proposed Amended Joint Scheduling Order</b></i>    |                        |
|--|------------------------|
| <u>Event</u>   | <u>Deadline</u>        |
| 1. Service of Written Discovery Requests                 | May 27, 2022           |
| 2. Service of Written Responses to Discovery Requests    | June 27, 2022          |
| 3. Substantial Completion of Document Production         | July 1, 2022           |
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| 6. Completion of Expert Discovery                        | August 19, 2022        |
| 7. Deadline for filing Dispositive Motions               | September 2, 2022      |
| 8. Parties to exchange Witness and Exhibit Lists         | October 25, 2022       |
| 9. Parties exchange objections to any witness or exhibit | October 28, 2022       |
| 10. Evidentiary Hearing                                  | November 1 and 2, 2022 |

2. If approved by the Court, the Proposed Amended Joint Scheduling Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

3. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Stipulation.

*[Remainder of Page Intentionally Blank]*

Dated: June 9, 2022

**PACHULSKI STANG ZIEHL & JONES LLP**

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-and-

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/s/ Zachery Z. Annable

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-and-



**NEXPOINT REAL ESTATE PARTNERS, LLC f/k/a  
HCRE PARTNERS, LLC**

*/s/ Charles W. Gameros, Jr., P.C.*

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